

Sponsors:	
<u>Mayor &amp; All Commissioners</u>	
Date 2 <sup>nd</sup> Reading:	01-28-13
Publication Date:	01-28-13

## ORDINANCE NO. 151.3-01-2013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRANKLIN, KENTUCKY ("CITY") AND THE FISCAL COURT OF THE COUNTY OF SIMPSON, KENTUCKY ("COUNTY"), AUTHORIZING AND ESTABLISHING A DEVELOPMENT AREA FOR ECONOMIC AND INFRASTRUCTURE DEVELOPMENT TO BE KNOWN AS THE "SIMPSON COUNTY DEVELOPMENT AREA NO. 2;" ESTABLISHING THE PERCENTAGE OF INCREMENT THAT THE COUNTY OF SIMPSON AND/OR CITY OF FRANKLIN WILL DISTRIBUTE EACH YEAR; REQUESTING INCREMENTS FROM THE CITY OF FRANKLIN AND/OR SIMPSON COUNTY IN ACCORDANCE WITH AND PURSUANT TO THE APPLICABLE PROVISIONS OF THE KENTUCKY REVISED STATUTES, KRS 65.7041 TO 65.7083; APPROVING AND AUTHORIZING THE AMOUNT OF INCREMENTS TO BE SUBMITTED; AND TO TAKE SUCH OTHER ACTIONS AS ARE NECESSARY OR REQUIRED WITH RESPECT TO THE ESTABLISHMENT OF THE "SIMPSON COUNTY DEVELOPMENT AREA NO. 2," INCLUDING THE AUTHORITY TO ENTER INTO LOCAL DEVELOPMENT AREA AND INTERLOCAL AGREEMENTS WITH OTHER ENTITIES AND TO IMPOSE ASSESSMENT FEES ON NEWLY CREATED JOBS WITHIN THE DEVELOPMENT AREA

WHEREAS, KRS 65.7041 through 65.7083 of the Kentucky Revised Statutes, provides for the establishment of local development areas within the County of Simpson, Kentucky ("County") and/or the City of Franklin, Kentucky ("City") created for public purposes and economic and infrastructure development;

WHEREAS, KRS 65.7047 provides that the City and/or County may create local development areas for economic and infrastructure development and toward that end, define the local development area boundaries, and the City and County may undertake projects, issue industrial revenue or increment bonds and pledge increments to the payment of debt charges or increment bonds or other projects, create a special fund for the deposit of increments and other funds to pay bonds and costs of projects, utilize increments to pay for projects and the amounts due on increment bonds and impose assessments;

WHEREAS, the City Commission of the City of Franklin, Kentucky and the Fiscal Court of Simpson County find that the creation and establishment of the Simpson County Development Area No. 2, as described and set forth in Exhibit "A," for economic and/or infrastructure development and the commencement of one or more projects therein, will result in increased employment within the City and County;

WHEREAS, the City Commission and Fiscal Court hereby determine that the establishment of the Simpson County Development Area No. 2 is for a public purpose, including economic and/or infrastructure development, and that the establishment and creation of the Simpson County Development Area No. 2, within the City and/or County, is for the benefit and welfare of the citizens of Franklin and Simpson County, Kentucky;

WHEREAS, the City Commission and Fiscal Court hereby determine that the establishment of the Simpson County Development Area No. 2 will entitle the City and/or County to the receipt of Increments or revenues, which will assist in the funding of economic and infrastructure development in the City and County;

WHEREAS, the City Commission and Fiscal Court deem it necessary and appropriate to authorize the establishment of the Simpson County Development Area No. 2 for economic and/or infrastructure development, to include the receipt of revenues and/or Increments, as authorized and/or permitted by the Kentucky Revised Statutes;

WHEREAS, the County shall pass a similar Ordinance to adopt a local development area agreement for revenue and expense sharing purposes, for the issuance of industrial revenue bonds and/or for all other purposes necessary, appropriate and/or permitted by and through the Kentucky Revised Statutes; and,

WHEREAS, the City Commission of the City of Franklin and the Fiscal Court of Simpson County deem it necessary to enact an Ordinance in accordance with and pursuant to the terms and provisions of the Kentucky Revised Statutes, and for the purposes set forth and described herein.

NOW, THEREFORE, IT IS ORDAINED by the City Commission of the City of Franklin and the Fiscal Court of Simpson County as follows:

#### **SECTION 1.** **Definitions**

1.1 "Act" means KRS 65.7041 through 65.7083.

"Activation Date" means the date established in Section 6 of this Ordinance, which shall also constitute the Commencement Date.

"Additional Assessment" shall be 1.0% of the 2.0% total occupational licensing fees assessed against newly created jobs in "Simpson County Development Area No. 2."

"City" means the City of Franklin, Kentucky.

"Commonwealth" means the Commonwealth of Kentucky.

"County" means Simpson County, Kentucky.

"Increment" or "Increments" means the amount of revenues received by the City, County, and/or Agency determined by subtracting the amount of Old Revenues from the amount of New Revenues, in any calendar year, with respect to the Simpson County Development Area No. 2.

"KRS" means the Kentucky Revised Statutes, as amended.

"New Revenues" shall have the same meaning and definition as set forth and defined in KRS 65.7045(23).

"Old Revenues" shall have the same meaning and definition as set forth and defined in KRS 65.7045(24).

"Project" shall have the same meaning as set forth in KRS 65.7045(27), and specifically shall refer to the economic and infrastructure development for industrial/commercial use, located within the Simpson County Development Area No. 2, established by this Ordinance, which has been determined by the Fiscal Court for the County as contributing to economic development.

"Special Fund" means "Simpson County Development Area No. 2 Fund" in which increments and/or other revenues collected within the development area are deposited and from which funds are used to pay the costs of projects, to pay debt charges associated with the Simpson County Development Area No. 2, or for any other lawful purpose.

"Simpson County Development Area No. 2" means a contiguous geographic area located within the geographical boundaries of the County which is created for economic and/or infrastructure development purposes by this Ordinance in which one or more Projects are proposed to be located to be known as "Simpson County Development Area No. 2."

1.2 Any term not defined herein shall have the same meaning as set forth in KRS 65.7045.

## **SECTION 2.**

### **Establishment and Designation of the Simpson County Development Area No. 2**

2.1 All that area described in Exhibit "A" attached hereto and incorporated herein by reference is located within the City and County and is hereby established and designated as the "Simpson County Development Area No. 2."

2.2 The "Simpson County Development Area No. 2" as described in Exhibit "A" is hereby created and established as of the date this Ordinance shall become effective as set forth in Section 6.2 ("Activation Date" or "Commencement Date").

## **SECTION 3.**

### **Findings**

The City and County specifically find, in accordance with and pursuant to the KRS, that the Project, and the creation and establishment of the "Simpson County Development Area No. 2" is for a public purpose and for infrastructure and economic development purposes for the benefit and welfare of the citizens of the City and County. The City Commission and Fiscal Court further find that the establishment and designation of the "Simpson County Development Area No. 2" will result in the increase in the value of property located within the "Simpson County Development Area No. 2" and/or result in an increase in employment within and around the "Simpson County Development Area No. 2." The City and County also find and support the need to employ redevelopment assistance in "Simpson County Development Area No. 2." The City and County therefore find that there is a necessity for the establishment and creation of the "Simpson County Development Area No. 2" as authorized by this Ordinance, and therefore direct the establishment of said "Simpson County Development Area No. 2" in accordance with the terms and conditions as set forth in the KRS, and in accordance with the "Findings by City of Franklin City Commission" and

"Development Plan for 450 Acres of Garvin Property at Exit 6" collectively attached hereto as Exhibit B, approved by and through this Ordinance, and hereby adopted and incorporated herein by reference as if set forth herein in full.

#### **SECTION 4.**

##### **Establishment of Percentage of Increments**

4.1 The percentage of revenue and/or Increment that the City and/or County shall distribute each year for the use in the infrastructure or economic development of the "Simpson County Development Area No. 2" or other such qualifying projects shall be one hundred percent (100%) of the "additional assessment." The maximum amount of Increment to be requested from the City and/or County for taxes or licensing fees in the area shall be one hundred percent (100%) during the existence of the "Simpson County Development Area No. 2." Said amount shall be pledged and/or utilized pursuant to a Local Development Area Agreement and/or Interlocal Agreement executed pursuant hereto.

4.2 All Increments derived from the City and/or County shall be forwarded and/or received by the City, and shall be used to pay the costs of the economic and/or infrastructure development and Projects, and to pay, when necessary and appropriate, debt services and charges on any bonds or financing which may be authorized by a subsequent agreement, ordinance or resolution of the City and/or County, and for such other purposes as may be determined by the City, by its City Commission and/or County, by its Fiscal Court, and that are appropriate and in compliance with the purposes set forth in this ordinance and within the KRS.

4.3 The City, by and through the City Commission, shall enter into a Local Development Area Agreement with the County, Industrial Authority, and/or any other agency for the release of increments in furtherance of any project within the development area, or for any other lawful purpose authorized by the KRS.

4.4 The City, by and through the City Commission, pursuant to KRS 65.7056, will impose a two percent (2%) assessment fee on certain newly created jobs as a result of Projects within the development area, such employees being subject to the state tax imposed by KRS 141.020. The total assessment levied by the City under this provision shall not exceed an amount equal to two percent (2%) of the gross wages of the employee and shall be paid in accordance with the procedures set forth in the City of Franklin Code of Ordinances and the special levy set forth in this ordinance. When such assessment is levied, one hundred percent (100%) of the payroll tax and/or occupational license fee receipts over and above the amount due pursuant to the previously enacted sections of the City of Franklin Code of Ordinances, and the special levy set forth in this ordinance, shall be applied as part of the assessment fee toward the development area or for any other lawful purpose. Prior to such an assessment, all conditions contained within the KRS shall be met. The amounts assessed for the occupational license fee/payroll tax pursuant to this section shall be offset against the city-wide existing rate of one percent (1%).

#### **SECTION 5.**

##### **Approval of Agreement Relating to the Local Development Area and Special Provisions Required by KRS 65.7047**

5.1 Any entity, other than the City and/or County that receives financial assistance by and through this ordinance, whether in the form of a grant, loan, or loan guarantee, shall make an accounting, no less than annually, to the City and County.

5.2 The City and County shall make a written or verbal analysis, no less than annually, of the development activity in "Simpson County Development Area No. 2," either by and through each of their respective budgets or otherwise.

5.3 The City and County, jointly or severally, shall be responsible for the oversight, administration and implementation of this ordinance.

5.4 The City and/or County hereby approve all agreements related to the creation and/or operation of the "Simpson County Development Area No. 2" including, but not limited to the Local Development Area Agreement and/or any and all Interlocal Agreements executed on even date herewith or subsequent to the enactment of this ordinance.

5.5 The City and County hereby approve any and all other documents necessary and appropriate to effectuate the intent of this ordinance and authorize the Mayor and/or County Judge Executive to sign any and all said documents.

5.6 The City and County authorize and direct their respective attorneys to prepare any and all said documents deemed necessary or appropriate to effectuate the intent of this ordinance.

## **SECTION 6.**

### **Hearing, Conditions Precedent and Activation Date.**

6.1 This ordinance shall not become effective until occurrence of the following:

(a) The City held a public hearing in accordance with KRS 65.7047(2) on November 26, 2012, at which all interested parties were afforded a reasonable opportunity to express their views on the proposed creation and establishment of the "Simpson County Development Area No. 2" and its boundaries.

(b) Prior notice of said public hearing was published in a local newspaper with general circulation at least seven (7) days, but no more than twenty-one (21) days, prior to the scheduled hearing date and set forth the time and place of the hearing, including general description of the boundaries of the proposed "Simpson County Development Area No. 2."

6.2 Pursuant to KRS 65.7051(4), the County opted to participate in the plan, in writing, by and through a letter from County Judge Executive Jim Henderson to Mayor Ronnie Clark within thirty (30) days after the public hearing referenced hereinabove.

6.3 This ordinance shall become effective on the date following completion of all the conditions precedent set forth herein or established by the KRS, at which time the "Simpson County Development Area No. 2" shall be established hereby. Such date will be the Commencement Date and shall be the later date upon which the City's and County's ordinances both become effective pursuant to the Kentucky Revised Statutes.

## **SECTION 7.**

## **Creation of Special Funds for Outstanding Increment Bonds.**

The City hereby establishes a Special Fund referred to as "Simpson County Development Area No. 2 Special Fund." The City shall maintain the Special Fund, created hereby, which shall be pledged for the purposes set forth by this ordinance. The City Finance Director will collect the revenue and/or Increments, and other revenues, as set forth in the KRS and deposit the monies in the Special Fund. Funds deposited in the Special Fund shall be disbursed at the times and in the amounts required by the City and County and, if permitted by the KRS, to pay debt charges on any debts, bonds or financing, if any, and for any other legal public purpose as determined by the City Commission and/or County's Fiscal Court as provided for in the Kentucky Revised Statutes.

The City may establish other funds and accounts as may be necessary or required with respect to the revenues and/or Increments and the terms of any financing or bonds required.

### **SECTION 8. Incorporation of Recitals.**

The preamble or recitals to this ordinance are hereby declared and determined to be true and accurate in all respects and are incorporated into the body of this ordinance, in full, by reference thereto.

### **SECTION 9. Termination.**

The "Simpson County Development Area No. 2" shall cease to exist on the date marking twenty (20) years from the commencement date established under Section 6 herein, or the length of time stated in the Local Development Area Agreement, whichever is longer.

### **SECTION 10. Severability.**

If any section, subsection, clause or provision of this Ordinance is held to be illegal or invalid for any reason, such illegal or invalid section, subsection, clause or provisions shall not affect the legality or validity of any other section or provision of this ordinance, all of which shall be constructed or enforced at the time as if such illegal section or provision were not contained herein.

### **SECTION 11. Conflicts Repeal.**

All ordinances, resolutions or parts thereof in conflict with provisions of this ordinance are hereby repealed and this ordinance shall take effect and be in full force in accordance with provisions of Section 6.2 hereof.

JAN 14, 2013 FIRST READING

JAN 28, 2013 SECOND READING

At a meeting held on January 28, 2013, on motion made by Commissioner Wendell Stewart and seconded by Commissioner Mason Barnes, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON

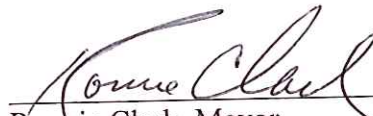
YES JAMIE POWELL

YES MASON BARNES

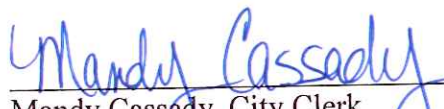
YES WENDELL STEWART

YES RONNIE CLARK, MAYOR

APPROVED BY:

  
\_\_\_\_\_  
Ronnie Clark, Mayor  
City of Franklin, KY

ATTEST:

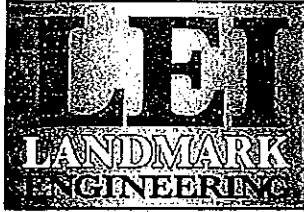
  
\_\_\_\_\_  
Mandy Cassidy, City Clerk  
City of Franklin, Kentucky

**EXHIBIT "A"**

**SIMPSON COUNTY DEVELOPMENT AREA NO. 2  
PROPERTY DESCRIPTION  
AND MAP**

1. See attached property description for 428.5314 acre industrial tract.
2. See attached property description for 22.4361 acre commercial tract.
3. See attached map entitled "The Henderson Interstate Industrial Park"





183 Saint Charles Street  
Bowling Green, Kentucky 42101

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EXHIBIT "A"

### LEGAL DESCRIPTION

Being a 428.5314 acre portion of a tract as conveyed to Garvins, LLC. as recorded in Deed Book 258, Page 248 and in Deed Book 278, Page 625 in the Office of the County Clerk of Simpson County, Kentucky. This property is located in Simpson County, Kentucky at Exit 6 of Interstate 65 and has frontage along Interstate 65, Kentucky State Highway 100 and Eddings Road and being more particularly described as follows:

Beginning at a point, said point is an iron pin set, said pin being a 5/8"x18" rebar with a one (1) inch yellow cap stamped "T LUCAS KY 3569", said pin is located 925± feet East of the intersection of the right-of-way of Interstate 65 Northbound and Kentucky Highway 100, said pin is also located in the North right-of-way line of Kentucky Highway 100 and corner common to a tract of land as convey to Kuldeep Sekhon as recorded in Deed Book 253, Page 435 in the Office of the County Clerk of Simpson County, Kentucky; thence a line with Sekhon the next two (2) calls as follows:

North 17 Degrees 56 Minutes 08 Seconds East, 161.26 feet to an iron pin set,

North 72 Degrees 03 Minutes 52 Seconds West, 259.90 feet to an iron pin set corner common to Sekhon and a tract as conveyed to Kuldeep Sekhon as recorded in Deed Book 254, Page 230 in the aforementioned clerk's office; thence a line with Sekhon the next two (2) calls as follows:

North 17 Degrees 35 Minutes 35 Seconds East, 298.46 feet to an iron pin set,

North 72 Degrees 03 Minutes 52 Seconds West, 927.61 feet to an iron pin found with a cap stamped "KY 1766" corner common to Sekhon and in the East right-of-way line of Interstate 65; thence a line with said right-of-way the next eighteen (18) calls as follows:

North 06 Degrees 51 Minutes 58 Seconds East, 6.46 feet to an iron pin set;

North 21 Degrees 30 Minutes 12 Seconds East, 146.62 feet to an iron pin found with a cap stamped "KY 1766",

A curve turning to the right with an arc length of 217.30 feet, a radius of 1839.86 feet, a chord bearing and distance of North 19 Degrees 18 Minutes 10 Seconds East, 217.18 feet to an iron pin found with a cap stamped "KY 1766",

North 22 Degrees 41 Minutes 11 Seconds East, 224.43 feet to an iron pin found with a cap stamped "KY 1766";

North 23 Degrees 25 Minutes 03 Seconds East, 68.48 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 249.86 feet to an iron pin found with a cap stamped "KY 1766",

North 11 Degrees 33 Minutes 07 Seconds East, 70.52 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 781.09 feet to an iron pin found with a cap stamped "KY 1766",

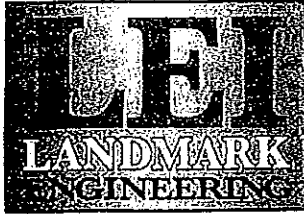
North 14 Degrees 22 Minutes 12 Seconds East, 60.83 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 940.00 feet to an iron pin found with a cap stamped "KY 1766",

North 32 Degrees 21 Minutes 47 Seconds East, 101.12 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 800.00 feet to an iron pin found with a cap stamped "KY 1766",

North 21 Degrees 17 Minutes 15 Seconds East, 450.44 feet to an iron pin found with a cap stamped "KY 1766",



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## EXHIBIT "A" - CONTINUED

North 27 Degrees 38 Minutes 47 Seconds East, 451.00 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 100.00 feet to an iron pin found with a cap stamped "KY 1766",

North 18 Degrees 07 Minutes 18 Seconds East, 100.50 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 34.37 feet to an iron pin found with a cap stamped "KY 1766",

A curve turning to the right with an arc length of 1777.73 feet, a radius of 5599.58 feet, a chord bearing and distance of North 32 Degrees 55 Minutes 38 Seconds East, 1770.27 feet to a point, being referenced from an iron pin set with an orange cap stamped "WITNESS MON KY 3569", North 82 Degrees 54 Minutes 20 Seconds West, 2.00 feet, in said right-of-way line and corner common to a tract as conveyed to Lillian Edison, et al as recorded in Deed Book 249, Page 389 in the aforementioned clerk's office; thence a line with Edison, South 82 Degrees 54 Minutes 20 Seconds East, 451.08 feet to a post referenced from an iron pin found with a cap stamped "KY 2142", South 85 Degrees 45 Minutes 41 Seconds West, 0.89 feet, corner common to Edison and in the right-of-way (30' right-of-way) line of Perdue Farms Road; thence a line with said right-of-way, South 06 Degrees 32 Minutes 16 Seconds West, 542.81 feet to an iron pin found stamped "KY 1766" in said right-of-way and corner common to a tract as conveyed to James Rex and Kathy Goodrum as recorded in Deed Book 206, Page 65 in the aforementioned clerk's office; thence a line with Goodrum the next three (3) calls as follows:

North 85 Degrees 01 Minutes 02 Seconds West, 308.57 feet to an iron pin found uncapped,

South 06 Degrees 35 Minutes 53 Seconds West, 148.85 feet to an iron pin found with a cap stamped "KY 906",

South 77 Degrees 36 Minutes 57 Seconds East, 309.77 feet to an iron pin found with a cap stamped "KY 906" corner common to Goodrum and a tract as conveyed to James Rex and Kathy Goodrum as recorded in Deed Book 187, Page 543 in the aforementioned clerk's office; thence a line with Goodrum the next two (2) calls as follows:

South 08 Degrees 12 Minutes 14 Seconds West, 112.04 feet to an iron pin set,

South 04 Degrees 08 Minutes 01 Seconds West, 30.00 feet to an iron pin found with a cap stamped "KY 1766" corner common to Goodrum; thence with a new line severing the parent tract the next three (3) calls as follows:

South 06 Degrees 39 Minutes 29 Seconds West, 95.46 feet to an iron pin set,

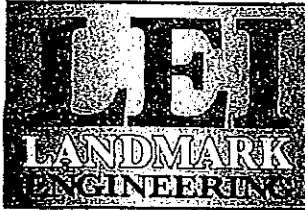
South 80 Degrees 43 Minutes 58 Seconds East, 742.04 feet to an iron pin set,

South 76 Degrees 11 Minutes 37 Seconds East, 973.32 feet to an iron pin set in the line of a tract as conveyed to Eddie B. and Jeanetta Ann Booher as recorded in Deed Book 119, Page 344 in the aforementioned clerk's office; thence a line with Booher, South 06 Degrees 32 Minutes 13 Seconds West, 1043.81 feet to a fourteen (14) inch Hackberry tree, referenced from an iron pin found with a cap stamped "KY 1766", South 06 Degrees 36 Minutes 40 Seconds East, 0.83 feet, corner common to Booher and a tract as conveyed to Linda G. Moody and Brenda G. Creek as recorded in Deed Book 157, Page 51 in the aforementioned clerk's office; thence a line with Moody the next three (3) calls as follows:

South 09 Degrees 01 Minutes 31 Seconds West, 592.79 feet to an eight (8) inch Hackberry tree, referenced from an iron pin found with a cap stamped "KY 1766", South 85 Degrees 49 Minutes 02 Seconds East, 0.79 feet,

South 75 Degrees 25 Minutes 35 Seconds East, 1385.60 feet to a stone found, referenced from an iron pin found with a cap stamped "KY 1766", North 18 Degrees 35 Minutes 33 Seconds East, 0.71 feet,

South 33 Degrees 13 Minutes 06 Seconds West, 1531.49 feet to a stone found, referenced from an iron pin found with a cap stamped "KY 1766", North 39 Degrees 35 Minutes 52 Seconds



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EXHIBIT "A" - CONTINUED

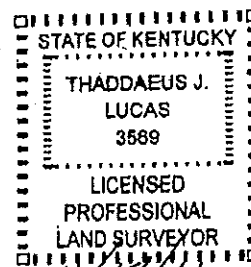
West, 0.30 feet, corner common to Moody and the parent tract; thence a line severing the parent tract along a new line, North 72 Degrees 21 Minutes 53 Seconds West, 585.09 feet to an iron pin found with a cap stamped "KY 1766" corner common to the parent tract and a tract as conveyed to James R. and Shelia G. Goodrum as recorded in Deed Book 127, Page 530 in the aforementioned clerk's office; thence a line with Goodrum, North 72 Degrees 22 Minutes 20 Seconds West, 1146.81 feet to an iron pin set corner common to Goodrum and in the East right-of-way (30' right-of-way) line of Eddings Road; thence a line with said right-of-way the next twelve (12) calls as follows:

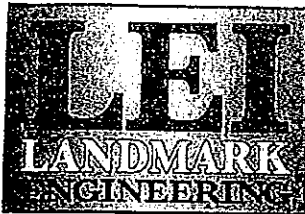
A curve turning to the right with an arc length of 64.45 feet, a radius of 440.00 feet, a chord bearing and distance of North 18 Degrees 38 Minutes 16 Seconds East, 64.39 feet to an iron pin set,  
North 22 Degrees 50 Minutes 03 Seconds East, 348.50 feet to an iron pin set,  
North 67 Degrees 09 Minutes 57 Seconds West, 30.00 feet to an iron pin set,  
South 22 Degrees 50 Minutes 03 Seconds West, 348.50 feet to an iron pin set,  
A curve turning to the left with an arc length of 162.46 feet, a radius of 470.00 feet, a chord bearing and distance of South 12 Degrees 55 Minutes 54 Seconds West, 161.65 feet to an iron pin set,  
South 03 Degrees 01 Minutes 45 Seconds West, (passing through an iron pin found with a cap stamped "KY 1766" at a distance of 179.90 feet) 550.21 feet to a point,  
South 05 Degrees 26 Minutes 55 Seconds West, 73.91 feet to an iron pin found with a cap stamped "KY 1766",  
South 79 Degrees 07 Minutes 03 Seconds East, 8.23 feet to an iron pin found with a cap stamped "KY 1766",  
South 05 Degrees 26 Minutes 55 Seconds West, 27.99 feet to an iron pin set,  
A curve turning to the right with an arc length of 85.98 feet, a radius of 285.00 feet, a chord bearing and distance of South 14 Degrees 05 Minutes 30 Seconds West, 85.66 feet to an iron pin set,  
South 22 Degrees 44 Minutes 05 Seconds West, 1612.80 feet to an iron pin set,  
South 23 Degrees 27 Minutes 36 Seconds West, 121.89 feet to an iron pin set in said right-of-way and in the line of the parent tract; thence a line severing the parent tract the next three (3) calls as follows:  
North 75 Degrees 18 Minutes 08 Seconds West, 1760.77 feet to an iron pin set,  
A curve turning to the right with an arc length of 472.67 feet, a radius of 480.00 feet, a chord bearing and distance of South 10 Degrees 10 Minutes 31 Seconds East, 453.80 feet to an iron pin set,  
South 18 Degrees 02 Minutes 06 Seconds West, 209.09 feet to an iron pin set in the North right-of-way line of Kentucky State Highway 100; thence a line with said right-of-way, North 71 Degrees 58 Minutes 28 Seconds West, 75.00 feet to the POINT OF BEGINNING and having an area of 428.5314 Acres (18,666,829 Square Feet).

The above description was prepared from a physical survey performed during the month of October 2011 by Landmark Engineering, Incorporated under the direction of Thaddaeus J. Lucas, Kentucky Licensed Professional Land Surveyor Number 3569 and is subject to all easements and right-of-ways of record and in existence.

  
THADDAEUS J. LUCAS, KY LPLS #3569

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## EXHIBIT "A" - CONTINUED

### LEGAL DESCRIPTION

Being a 22.4361 acre portion of a tract as conveyed to Garvins, LLC. as recorded in Deed Book 258, Page 248 and in Deed Book 278, Page 625 in the Office of the County Clerk of Simpson County, Kentucky. This property is located in Simpson County, Kentucky at Exit 6 of Interstate 65 and has frontage along Kentucky State Highway 100 and Eddings Road and being more particularly described as follows:

Beginning at a point, said point is an iron pin set, said pin being a 5/8"x18" rebar with a one (1) inch yellow cap stamped "T LUCAS KY 3569", said pin is located 925± feet East of the intersection of the right-of-way of Interstate 65 Northbound and Kentucky Highway 100, said pin is corner common to a tract of land as convey to Kuldeep Sekhon as recorded in Deed Book 253, Page 435 in the Office of the County Clerk of Simpson County, Kentucky and is also located in the North right-of-way line of Kentucky Highway 100; thence a line with said right-of-way, South 71 Degrees 58 Minutes 28 Seconds East, 75.00 feet to an iron pin set in the line of said right-of-way, the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way along a new line severing the parent tract the next three (3) calls as follows:

North 18 Degrees 02 Minutes 06 Seconds East, 209.09 feet to an iron pin set,

A curve turning to the left with an arc length of 472.67 feet, a radius of 480.00 feet, a chord bearing and distance of North 10 Degrees 10 Minutes 31 Seconds West, 453.80 feet to an iron pin set,

South 75 Degrees 18 Minutes 08 Seconds East, 1760.77 feet to an iron pin set in the West right-of-way line of Eddings Road; thence a line with said right-of-way the next five (5) calls as follows:

South 23 Degrees 27 Minutes 36 Seconds West, 99.02 feet to an iron pin set,

thence South 68 Degrees 40 Minutes 00 Seconds West, 40.23 feet to an iron pin set,

thence South 42 Degrees 36 Minutes 33 Seconds West, 130.05 feet to an iron pin set,

thence South 09 Degrees 04 Minutes 55 Seconds West, 286.78 feet to an iron pin set,


thence South 23 Degrees 39 Minutes 43 Seconds West, 99.52 feet to an iron pin set at the

intersection of the West right-of-way line of Eddings Road and North right-of-way line of Kentucky State Highway 100; thence a line with Kentucky State Highway 100 the next two (2) calls as follows:

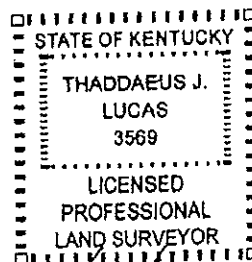
A curve turning to the right with an arc length of 1312.69 feet, a radius of 9940.00 feet, a chord bearing and distance of North 75 Degrees 45 Minutes 28 Seconds West, 1311.73 feet to an iron pin set,

North 71 Degrees 58 Minutes 28 Seconds West, 174.73 feet to the **POINT OF BEGINNING** and having an area of 22.4361 Acres (977,316 Square Feet).

The above description was prepared from a physical survey performed during the month of October 2011 by Landmark Engineering, Incorporated under the direction of Thaddaeus J. Lucas, Kentucky Licensed Professional Land Surveyor Number 3569 and is subject to all easements and right-of-ways of record and in existence.

  
THADDAEUS J. LUCAS, KY LPLS #3569

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11/21/11

Exhibit A

**EXHIBIT "B"**

**"FINDINGS BY CITY OF FRANKLIN CITY COMMISSION"  
AND  
"DEVELOPMENT PLAN FOR 450 ACRES OF GARVIN PROPERTY AT EXIT 6"**

## **FINDINGS BY CITY OF FRANKLIN CITY COMMISSION**

Before the City Commission came a proposal submitted by the Franklin-Simpson Industrial Authority (the "Authority") that approximately 450 acres of land located at the northeast quadrant of Exit 6 of I-65 be designated a Development Area ("Area") for development pursuant to KRS Chapter 65. The Commission having examined the proposed Development Plan submitted by the Authority, having heard statements and representations of agents from the Authority, being otherwise familiar with the area in question and its history of underdevelopment and undevelopment, pursuant to KRS 65.7049, makes the following findings:

1. The Area is contiguous and is not more than three square miles.
2. The establishment or expansion of the Area will not cause the assessed value of taxable real property within the Area and local development areas of the city to exceed 20% of the assessed value of all taxable real property within the city.
3. Pursuant to KRS 65.7049(3), the Area has had inadequate public improvements in the public infrastructure of the Area which has resulted in a substantial loss of commercial and industrial activity to the Area, all of which substantially impairs the growth and economic development in the Area.
4. The Area is not reasonably expected to be developed without public assistance. A proposed development by Garvin's, LLC and Garvin's East, LLC was abandoned due to a lack of funding. The lack of funding has prevented the construction of access roads and installation of utilities. Without the injection of funds that can be raised through the adoption of the Development Plan, the development of the Area for commercial and industrial purposes will be greatly impeded.

5. The public benefits of the Development area justify the public cost proposed. It is projected that the cost of a proposed industrial access road will approach nearly 2 million dollars. The estimated cost of underground utilities to the Area are approximately \$840,000.00 for water service, \$1,400,000.00 for sewer service, and \$400,000.00 for gas service. It is unlikely that the cost of such development could be borne by private developers using private funds. The project size is significant and the amount of employment that can be produced by a division of the Area is significant, such that the ripple effect of the payroll dollars justifies the public involvement in the project. Since there are virtually no competing private entities seeking to develop an industrial park, the public investment in the project will have no negative effect on existing businesses or residents.

6. The area immediately surrounding the Development Area has not been subject to growth and development through investment by private enterprise, and the development of the Area will work as an economic boost to the entire area.





DEVELOPMENT PLAN FOR 450 ACRES

OF GARVIN PROPERTY AT EXIT 6

October 10, 2012

Submitted by

Franklin-Simpson Industrial Authority

Originals filed with:

Clerk of City of Franklin, Kentucky

Clerk of Simpson County Fiscal Court

## **2. EXISTING USES OF REAL PROPERTY IN THE DEVELOPMENT AREA**

The Property is suitable for development given its easy vehicular access, visibility to travelers on Highway 100 and I-65, and its topography. While being privately held for development, the Property has generally been used for production of agricultural crops. The condition of the Property as open and generally rolling makes it highly suitable for subdivision and development. Its terrific access makes it particularly attractive for industrial and commercial development.

## **3. AREA INVOLVED**

The Property consists of 450.97 acres. A copy of the legal description is attached as Exhibit 1 and may also be found in Deed Book 295, Page 374, Simpson County Clerk's Office. The Property is bounded on the west by Interstate 65, bounded on the south by Kentucky State Route 100, bounded on the east by Eddings Road, and bounded on the north by private property owners. A preliminary drawing prepared by HM Architects/Engineers, Inc. is attached as Exhibit 2.

## **4. PROPOSED IMPROVEMENTS TO THE AREA**

With funds provided by public assistance if designated a development plan, the Authority intends to construct an industrial access road from the south end of the property to the north end of the property, generally parallel to Interstate 65. Exhibit 2 shows the location of the proposed access road. The access road will open up the interior of the Property to subdivision with the proposed creation of eight (8) lots, three (3) of which are large industrial lots and one commercial lot, all subject to the requirements and demands of the prospects. Along the industrial access road will be an easement for all necessary utilities including water, electric, sewer, gas, and fiber optic. While no project is currently available, the preliminary plan does show the proposed location of two large structures on two large lots. It is anticipated that small industries will utilize the lots immediately adjacent to I-65 and that up to three or four large industries may utilize the remainder of the Property, east of the proposed access road. The preliminary drawing contains a depiction of the possible development.

## **5. REDEVELOPMENT ASSISTANCE**

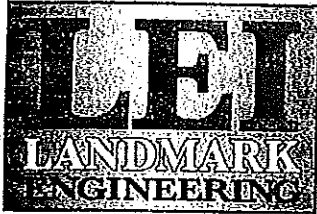
Portions of the Property were the subject of private development attempts as early as the 1970's, after the construction of I-65. Except for a small service station or two and a small diner, no development occurred. David Garvin began accumulating tracts in 2005 in order to assemble a large area for development. Despite his repeated and very public attempts at development, he was unable to do so, primarily limited by insufficient investment funds and project demand. With the assistance that can be gained by the creation of a development district, it is expected that the initial hurdles of subdivision and utility installation can be

## **8. PUBLIC HEARING**

The City of Franklin will hold a public hearing to solicit input from the public regarding the proposed development plan. The City will advertise the hearing in accordance with KRS 424.130 to solicit input from the public regarding the plan. Included in the notice will be time, place, and purpose of the hearing and a general description of the boundaries of the proposed development area. Prior to publication of a hearing notice, a copy of the development plan will be filed with the city clerk and with the county fiscal court. Subsequent to the public hearing, the city or county may adopt an ordinance establishing a development area comprising the Property in accordance with KRS 65.7053.

Submitted this October 10, 2012.

FRANKLIN-SIMPSON INDUSTRIAL AUTHORITY  
BOARD OF DIRECTORS



183 Saint Charles Street  
Bowling Green, Kentucky 42101

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SIMPSON COUNTY  
D295 PG378

EXHIBIT "A"

**LEGAL DESCRIPTION**

Being a 428.5314 acre portion of a tract as conveyed to Garvins, LLC. as recorded in Deed Book 258, Page 248 and in Deed Book 278, Page 625 in the Office of the County Clerk of Simpson County, Kentucky. This property is located in Simpson County, Kentucky at Exit 6 of Interstate 65 and has frontage along Interstate 65, Kentucky State Highway 100 and Eddings Road and being more particularly described as follows:

Beginning at a point, said point is an iron pin set, said pin being a 5/8"x18" rebar with a one (1) inch yellow cap stamped "T LUCAS KY 3569", said pin is located 925± feet East of the intersection of the right-of-way of Interstate 65 Northbound and Kentucky Highway 100, said pin is also located in the North right-of-way line of Kentucky Highway 100 and corner common to a tract of land as convey to Kuldeep Sekhon as recorded in Deed Book 253, Page 435 in the Office of the County Clerk of Simpson County, Kentucky; thence a line with Sekhon the next two (2) calls as follows:

North 17 Degrees 56 Minutes 08 Seconds East, 161.26 feet to an iron pin set,

North 72 Degrees 03 Minutes 52 Seconds West, 259.90 feet to an iron pin set corner common to Sekhon and a tract as conveyed to Kuldeep Sekhon as recorded in Deed Book 254, Page 230 in the aforementioned clerk's office; thence a line with Sekhon the next two (2) calls as follows:

North 17 Degrees 35 Minutes 35 Seconds East, 298.46 feet to an iron pin set,

North 72 Degrees 03 Minutes 52 Seconds West, 927.61 feet to an iron pin found with a cap stamped "KY 1766" corner common to Sekhon and in the East right-of-way line of Interstate 65; thence a line with said right-of-way the next eighteen (18) calls as follows:

North 06 Degrees 51 Minutes 58 Seconds East, 6.46 feet to an iron pin set;

North 21 Degrees 30 Minutes 12 Seconds East, 146.62 feet to an iron pin found with a cap stamped "KY 1766",

A curve turning to the right with an arc length of 217.30 feet, a radius of 1839.86 feet, a chord bearing and distance of North 19 Degrees 18 Minutes 10 Seconds East, 217.18 feet to an iron pin found with a cap stamped "KY 1766",

North 22 Degrees 41 Minutes 11 Seconds East, 224.43 feet to an iron pin found with a cap stamped "KY 1766";

North 23 Degrees 25 Minutes 03 Seconds East, 68.48 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 249.86 feet to an iron pin found with a cap stamped "KY 1766",

North 11 Degrees 33 Minutes 07 Seconds East, 70.52 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 781.09 feet to an iron pin found with a cap stamped "KY 1766",

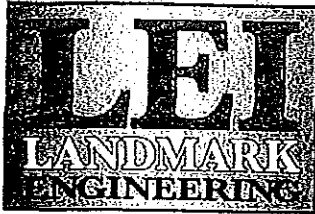
North 14 Degrees 22 Minutes 12 Seconds East, 60.83 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 940.00 feet to an iron pin found with a cap stamped "KY 1766",

North 32 Degrees 21 Minutes 47 Seconds East, 101.12 feet to an iron pin found with a cap stamped "KY 1766",

North 23 Degrees 49 Minutes 57 Seconds East, 800.00 feet to an iron pin found with a cap stamped "KY 1766",

North 21 Degrees 17 Minutes 15 Seconds East, 450.44 feet to an iron pin found with a cap stamped "KY 1766",



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EXHIBIT "A" - CONTINUED

West, 0.30 feet, corner common to Moody and the parent tract; thence a line severing the parent tract along a new line, North 72 Degrees 21 Minutes 53 Seconds West, 585.09 feet to an iron pin found with a cap stamped "KY 1766" corner common to the parent tract and a tract as conveyed to James R. and Shelvina G. Goodrum as recorded in Deed Book 127, Page 530 in the aforementioned clerk's office; thence a line with Goodrum, North 72 Degrees 22 Minutes 20 Seconds West, 1146.81 feet to an iron pin set corner common to Goodrum and in the East right-of-way (30' right-of-way) line of Eddings Road; thence a line with said right-of-way the next twelve (12) calls as follows:

A curve turning to the right with an arc length of 64.45 feet, a radius of 440.00 feet, a chord bearing and distance of North 18 Degrees 38 Minutes 16 Seconds East, 64.39 feet to an iron pin set,

North 22 Degrees 50 Minutes 03 Seconds East, 348.50 feet to an iron pin set,

North 67 Degrees 09 Minutes 57 Seconds West, 30.00 feet to an iron pin set,

South 22 Degrees 50 Minutes 03 Seconds West, 348.50 feet to an iron pin set,

A curve turning to the left with an arc length of 162.46 feet, a radius of 470.00 feet, a chord bearing and distance of South 12 Degrees 55 Minutes 54 Seconds West, 161.65 feet to an iron pin set,

South 03 Degrees 01 Minutes 45 Seconds West, (passing through an iron pin found with a cap stamped "KY 1766" at a distance of 179.90 feet) 550.21 feet to a point,

South 05 Degrees 26 Minutes 55 Seconds West, 73.91 feet to an iron pin found with a cap stamped "KY 1766",

South 79 Degrees 07 Minutes 03 Seconds East, 8.23 feet to an iron pin found with a cap stamped "KY 1766",

South 05 Degrees 26 Minutes 55 Seconds West, 27.99 feet to an iron pin set,

A curve turning to the right with an arc length of 85.98 feet, a radius of 285.00 feet, a chord bearing and distance of South 14 Degrees 05 Minutes 30 Seconds West, 85.66 feet to an iron pin set,

South 22 Degrees 44 Minutes 05 Seconds West, 1612.80 feet to an iron pin set,

South 23 Degrees 27 Minutes 36 Seconds West, 121.89 feet to an iron pin set in said right-of-way

and in the line of the parent tract; thence a line severing the parent tract the next three (3) calls as follows:

North 75 Degrees 18 Minutes 08 Seconds West, 1760.77 feet to an iron pin set,

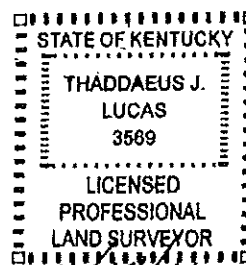
A curve turning to the right with an arc length of 472.67 feet, a radius of 480.00 feet, a chord bearing and distance of South 10 Degrees 10 Minutes 31 Seconds East, 453.80 feet to an iron pin set,

South 18 Degrees 02 Minutes 06 Seconds West, 209.09 feet to an iron pin set in the North right-of-way line of Kentucky State Highway 100; thence a line with said right-of-way, North 71 Degrees 58 Minutes 28 Seconds West, 75.00 feet to the POINT OF BEGINNING and having an area of 428.5314 Acres (18,666,829 Square Feet).

The above description was prepared from a physical survey performed during the month of October 2011 by Landmark Engineering, Incorporated under the direction of Thaddaeus J. Lucas, Kentucky Licensed Professional Land Surveyor Number 3569 and is subject to all easements and right-of-ways of record and in existence.

THADDAEUS J. LUCAS, KY LPLS #3569

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## **EXHIBIT 2**

24" x 36" preliminary park layout is attached